



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 15, 1996

Ms. Lysia H. Bowling
Assistant City Attorney
City of Temple
Municipal Building
Temple, Texas 76501

OR96-0198

Dear Ms. Bowling:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38276.

The City of Temple (the "city") received a request for its police department dispatch log "containing all information currently maintained by the department regarding dispatch activity." You classify the request as a "standing request" that the city "is not required to honor." Additionally, you claim that the requested information is excepted from disclosure by section 552.108. You have submitted a representative sample of the dispatch log for our review.¹

Chapter 552 does not prohibit a governmental body from voluntarily complying with a standing request for information. However, neither does chapter 552 *require* a governmental body to comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48 (1983). The request at issue does not appear to be a standing request for information. On the contrary, the requestor seeks information "currently maintained" by the police department, not information to be created in the future. The city must therefore respond to the requestor by providing him with all responsive information in existence on the date of the request that is not excepted from required public disclosure.

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 449 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.108 excepts records from disclosure only where the release of the information would "unduly interfere" with law enforcement or prosecution. Open Records Decision Nos. 434 (1986), 287 (1981). When this section is raised, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how the release of the information would unduly interfere with law enforcement. Open Records Decision No. 287 (1981). Whether disclosure of particular records will unduly interfere with law enforcement must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981). You have not demonstrated, nor is it apparent from the face of the documents, how the release of this information would unduly interfere with law enforcement.

We further note that in Open Records Decision No. 394 (1983), this office determined that there was no qualitative difference between the information contained in police dispatch records and that which was expressly held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). See also Open Records Decision No. 127 (1976) (summarizing holding in *Houston Chronicle Publishing Co.*). Similarly, we conclude here that none of the requested information may be withheld pursuant to section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 38276

Enclosures: Submitted documents

cc: Mr. Russell S. Carter
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